



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 16, 2021

Harry G. C. Jones
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HCRE PARTNERS, LLC (n/k/a NEXPOINT
REAL ESTATE PARTNERS, LLC),

Defendant.

§ Chapter 11
§
§ Case No. 19-34054-sgj11
§
§
§
§
§ Adversary Proceeding No.
§
§ 21-03007-sgj11

ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER

Upon consideration of the *Stipulation and Proposed Scheduling Order* (the “Stipulation”)²

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE”, and together with the Debtor, the “Parties”), it is **HEREBY ORDERED THAT**:

1. The Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following pretrial schedule (the “Joint Pretrial Schedule”) in lieu of that provided in the Alternative Scheduling Order:

<i>Joint Pretrial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 31, 2021
2. Service of Written Responses to Discovery	July 5, 2021
3. Completion of Fact Discovery	July 26, 2021
4. Expert Disclosures	August 6, 2021
5. Completion of Expert Discovery	August 23, 2021
6. Dispositive Motions	September 6, 2021
7. Exhibit and Witness Lists	October 25, 2021
8. Joint Pretrial Order	November 1, 2021
9. Proposed Findings of Fact and Conclusions of Law	November 1, 2021
10. Trial Docket Call	November 8, 2021 at 1:30 p.m. (CT)

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

###End of Order###

EXHIBIT A

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Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)
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Counsel for HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
<hr/>		
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	21-03007-sgj11
	§	
HCRE PARTNERS, LLC (n/k/a NEXPOINT	§	
REAL ESTATE PARTNERS, LLC),	§	
	§	
Defendant.	§	

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE” or “Defendant”, and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue

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of the Debtor's bankruptcy case (the "Bankruptcy Case") to this Court;

WHEREAS, on January 22, 2021, the Debtor commenced the above-captioned adversary proceeding (the "Adversary Proceeding") against HCRE by filing its complaint [Docket No. 1] (the "Complaint")²;

WHEREAS, on January 25, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, on March 3, 2021, HCRE filed its answer to the Debtor's Complaint [Docket No. 7] (the "Answer");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 31, 2021
2. Service of Written Responses to Discovery	July 5, 2021
3. Completion of Fact Discovery	July 26, 2021
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5. Completion of Expert Discovery	August 23, 2021
6. Dispositive Motions	September 6, 2021
7. Exhibit and Witness Lists	October 25, 2021
8. Joint Pretrial Order	November 1, 2021

² Refers to the docket number maintained in the Adversary Proceeding.

9. Proposed Findings of Fact and Conclusions of Law	November 1, 2021
10. Trial Docket Call	November 8, 2021 at 1:30 p.m. (CT)

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

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Dated: March 11, 2021.

WICK PHILLIPS GOULD & MARTIN, LLP

/s/ Lauren K. Drawhorn

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